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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/805,555	GUDORF ET AL.	
	Examiner	Art Unit	
	Michael J Simitoski	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 35-38 is/are rejected.
- 7) ☒ Claim(s) 22 and 32 is/are objected to.
- 8) ☒ Claim(s) 33,34 and 39 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/9/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The IDS of 4/4/01 was received and considered.
2. Claims 1-39 are pending.
3. The preliminary amendment of 3/13/01 was received and entered.

Election/Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-32 & 35-38 are directed to a system where data is filtered based on content, classified in class 713, subclass 154.
 - II. Claims 33-34 & 39 are directed to an access control system based on biometric acquisition, classified in class 713, subclass 186.
5. Inventions I & II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, inventions I & II have separate utility in that Group I has utility where data is filtered based on a permission delegated, not requiring biometric authentication; Group II has utility where biometrics are used to authenticate a user to control access, usable without filtering data. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement, to be complete, must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. During a telephone conversation with Jeff Dickey (908-518-6399) on 9/7/04 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-32 & 35-38. Affirmation of this election must be made by applicant in replying to this Office action. Claim 33-34 & 39 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

7. Claim 22 is objected to because of the following informalities: "respone" should be replaced with "response". Appropriate correction is required.

8. Claim 32 is objected to because of the following informalities: "send" should be replaced with "sends".

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 22 recites the limitation "said response" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. *For the purposes of this Office Action, "the response" is understood to refer to the permission.*

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11. Claim 29 recites the limitation "said browser" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method recited in claim 1 is performed without the use of a computer or electronic means.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1 & 5 are rejected under 35 U.S.C. 102(b) as being anticipated by "List Owner's Manual for LISTSERV, version 1.8d" by L-Soft International, Inc. (Lsoft). Lsoft discloses receiving a request for information/subscription request from a user (§2.12.2, ¶1), receiving personal information/email address (§2, ¶1) associated with said user, said personal information

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including an address/email address (§2, ¶1), sending a permission request/confirmation to said address (§4.10, ¶2), said permission request including a request for permission to provide information to said user, receiving permission/confirmation in response to said permission request (§4.10), and sending information/welcome message to said user in response to said request for information (§6.8).

16. Claims 1-2, 13-14, 17, 21 & 35 are rejected under 35 U.S.C. 102(e) as being anticipated by “Keeping Parents in the Loop on a Kid-Centered Site” by The FreeZone Network (FreeZone).

Regarding claims 1-2, 13-14 & 35, FreeZone discloses receiving a request for information/access from a user/child under 12, receiving personal information/age associated with said user/child, said personal information including an address (home address for those without printers), sending a permission request to an address/parent’s address, said permission request including a request for permission to provide information/registration to said user/child, receiving permission in response to said permission request, and sending information/email to said user/child in response to said request for information/access (page 2, ¶3-9).

Regarding claim 17, FreeZone lacks explicit disclosure of omitting the permission request if permission was received in the past. However, it is inherent that if a user is already registered, the user will log in, and hence the permission request will be omitted.

Regarding claim 21, FreeZone discloses receiving a request from a user/child for access to content/service, receiving personal information including age data representative of said user’s age, if said age data indicates that said user is older than a particular age/12, then sending an email to said address indicating that the request was received (page 2, ¶3-8), and sending the

content/service to said user/child if permission (given inherently by parent's not de-registering) is received in response to said email (page 2, ¶3-8).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 3-4 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over FreeZone, as applied to claim 1 above, in further view of "FreeZone Privacy Statement" by FreeZone (FreeZone '00), dated May 2000.

Regarding claim 3, FreeZone lacks explicit disclosure of the personal information including a user name. However, FreeZone '00 teaches that the FreeZone service requests a FreeZone name (page 1, ¶5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a user name in the personal information. One of ordinary skill in the art would have been motivated to perform such a modification because the FreeZone service requests a user name for registration, as taught by FreeZone '00 (page 1, ¶5).

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Regarding claim 4, FreeZone lacks explicit disclosure of the personal information including a category of information. However, FreeZone '00 teaches that a user can request to receive the FZ Times (page 2, ¶1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a category of information the user/child is entitled to receive. One of ordinary skill in the art would have been motivated to perform such a modification to receive an email newsletter, as taught by FreeZone '00 (page 2, ¶1).

Regarding claim 15, FreeZone discloses FreeZone discloses that if registration is accepted, the user/child and parent is notified that registration is accepted (page 2, ¶5) (step of notifying said user/child at said second address if said permission was received), but lacks specifically the personal information including a second address. However, FreeZone '00 teaches that the user/child supplies both an email address and parents email address (page 2, ¶1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to supply a second address. One of ordinary skill in the art would have been motivated to perform such a modification to allow both the child and parents to be notified that registration has been accepted (part of the same FreeZone service), as taught by FreeZone '00 (page 2, ¶1).

19. Claims 5-7 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over FreeZone, as applied to claim 1 above, in further view of "The sticky kids' privacy issue" by Network Family News (NFN).

Regarding claims 5-7, FreeZone lacks the address comprising an email address. However, NFN teaches that one way for parents to assign permission to a child over the Internet is by emailing consent (page 1, §2, ¶2-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a parent's email address rather than a home address. One of ordinary skill in the art would have been motivated to perform such a modification to allow parents to supply consent over the Internet, as taught by NFN (page 1, §2, ¶2-3).

Regarding claim 22, FreeZone lacks sending the response via email. However, NFN teaches that one way for parents to give consent is through an email containing a digital signature (page 1, ¶4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to respond with an email. One of ordinary skill in the art would have been motivated to perform such a modification to give consent for a child to access data, as taught by NFN (page 1, ¶4).

20. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over FreeZone, as applied to claim 1 above, in view of U.S. Patent 6,167,382 to Sparks et al. (Sparks). FreeZone lacks the personal information including credit card information, where the information is sent back to the user for accuracy verification. However, Sparks teaches an Internet commerce system that boasts the benefit of allowing the design and purchasing of products from a single entry point in a computer system (col. 1, lines 5-16). Sparks also teaches the entry of billing information (credit card) (Fig. 60) and the sending of that information back to a user for confirmation of its accuracy (Fig. 61) and chooses "cancel" to return to supply the correct information (Fig. 61). Therefore, it would have been obvious to one having ordinary skill in the

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art at the time the invention was made to include credit card information in the personal information and to send the information back to the user for accuracy verification. One of ordinary skill in the art would have been motivated to perform such a modification to purchase products, such as access to FreeZone using networked computers, as taught by Sparks (col. 1, lines 5-16, Fig. 60 & Fig. 61).

21. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over FreeZone in view of Sparks, as applied to claim 8 above, in further view of U.S. Patent 5,963,915 to Kirsch. FreeZone, as modified above, lacks the option not to supply the credit card information and lacks prompting the user to enter the information if the user had opted not to include it in the request. However, Kirsch teaches that the use of cookies to store account/billing information is useful because it allows the user to be authenticated via a pre-established relationship (col. 7, lines 58-62). The cookie (which is just a piece of data, often encrypted, that contains information about the sender) can be sent with the request to process a transaction; if the cookie is not present, the user is prompted to enter the information required for the purchase (col. 7, line 55 – col. 8, line 20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was to give the user the option to include the credit card information in a request for information/registration and to prompt the user for the credit card information if the user opted not to include it in the original request (established a pre-established relationship). One of ordinary skill in the art would have been motivated to perform such a modification to allow the user to utilize a pre-established relationship for authentication and to establish a new one if a relationship hadn't been previously established, as taught by Kirsch (col. 7, line 55 – col. 8, line 20).

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22. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over FreeZone.

FreeZone lacks explicit disclosure of sending a notification is another request for information is received. However, FreeZone teaches that the service and registration works in such a way where a single child can sign-up, which depending on age can require parental permission (page 2). Further, the examiner takes Official Notice that creating separate accounts for multiple users/children is old and well established in the art of online transactions as a method of allowing users to interact with their own accounts. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to receive a request for permission from each child of a single parent. One of ordinary skill in the art would have been motivated to perform such a modification to assign each child an account. This advantage is well known to those skilled in the art.

23. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,706,427 to Tabuki in view of "SafeSurf Internet Rating System Receives Broad Support From Online Community" by Soular et al. (Soular), in further view of U.S. Patent 5,488,409 to Yuen et al. (Yuen). Tabuki discloses authentication data being stored on a client of a network (col. 2, lines 1-3), sending a request to a server/verification server for access to content (col. 2, lines 35-40), receiving a request for authentication data and providing the authentication data (col. 2, lines 55-64) and gaining access or being denied access to said content dependant upon whether the authentication data is valid (col. 2, lines 40-50). Tabuki lacks the authentication data being age data and verifying the user based on being older than a particular age. However, Soular teaches that SafeSurf, a highly supported rating system, allows parents to designate viewing levels based on the age of their children to only accept material they have determined appropriate for their

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family (pages 1-2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use age data as a means for access to restricted material.

One of ordinary skill in the art would have been motivated to perform such a modification to only accept material they have determined for their family, as taught by Soular. As modified, Tabuki lacks providing the age data. However, Yuen teaches that to allow a allow different levels of access, each level can be assigned a password, where the passwords correspond to ages (col. 58, lines 50-57). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide age data/password to the server. One of ordinary skill in the art would have been motivated to perform such a modification to allow different levels of access, as taught by Yuen (col. 58, lines 50-57).

24. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tabuki in view of Soular in view of Yuen, as applied to claim 18 above, in further view of “Net Nanny Features and Benefits” by Foster & Associates (Foster). Tabuki, as modified above, lacks maintaining a log of each request for content. However, Foster teaches that the Net Nanny software can be configured to “log all URLs accessed” (page 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to maintain a log of each request for content. One of ordinary skill in the art would have been motivated to perform such a modification to gain the benefits of monitoring data access through a PC, as taught by Foster (pages 1-2).

25. Claims 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabuki in view of FreeZone '00, in further view of FreeZone.

Regarding claims 23-25, 27 & 30-32, Tabuki discloses storing personal information/authentication data (col. 2, lines 1-3), sending a request to a server/verification server for access to content (col. 2, lines 35-40) and providing the authentication data (col. 2, lines 55-64) to access to the content. Tabuki lacks the authentication data including an email address and a value associated with a personal characteristic, receiving at said email address a request to permit access to said content, the receiving step being dependent upon a comparison of the stored value and the cut-off value, and sending the requested content dependent upon whether another user replies to the request to permit access. However, FreeZone '00 teaches that the FreeZone service collects a child's email and a parent's email address to contact parents regarding registration (page 2, ¶1), with the benefits of access to interactive features (page 2, ¶4-7). Kids can also sign up to receive the FZ Times, a newsletter (page 3, ¶4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a parent's email address and age data/birthday and to send the user content if access is granted. One of ordinary skill in the art would have been motivated to perform such a modification to contact parents during registration and to provide registered users with a newsletter, as taught by FreeZone '00 (page 2, ¶4-7 & page 3, ¶4). Further, FreeZone teaches that to protect children's privacy, a request is sent to another user/parent to request permission for the child to access the FreeZone service (page 2, ¶5) dependent on whether the child is over a certain age/cut off value (page 2, ¶5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to receive at the email address, a request to permit access to content, dependent on a comparison of a stored value and the cut-off

value. One of ordinary skill in the art would have been motivated to perform such a modification to protect the privacy of children online, as taught by FreeZone (page 2, ¶5).

Regarding claim 26, Tabuki, as modified above, discloses using a password which is required to modify the personal information (see FreeZone '00, page 4, ¶2).

Regarding claim 28, Tabuki, as modified above, lacks explicitly requesting content via a browser through the Internet. However, as modified above by FreeZone, it is understood that FreeZone is an Internet website and therefore content must be requested through a browser (page 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to request content from the Internet and through a browser. One of ordinary skill in the art would have been motivated to perform such a modification to use the FreeZone service, as taught by FreeZone (page 1, §Introduction).

Regarding claim 29, Tabuki, as modified above, lacks entering a password each time a browser is executed. However, the examiner takes Official Notice that requiring a password to access an application is old and well established in the art of computer security as a method of controlling who is able to use the browser and loading personalized settings. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to require entry of a password each time a browser is opened and only send the personal information if the correct password has been entered. One of ordinary skill in the art would have been motivated to perform such a modification to load personalized settings and control access to the browser. This advantage is well known to those skilled in the art.

26. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over FreeZone, as applied to claim 35 above, in view of "Free On-Line Dictionary" by LinuxGuruz.

Regarding claim 36, FreeZone lacks specifically a web server, but FreeZone is an Internet-based service. LinuxGuruz teaches that web servers are simply processes that accept http requests from browsers. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the system of claim 35 on a web server. One of ordinary skill in the art would have been motivated to perform such a modification to send out information in response to requests, as taught by LinuxGuruz (page 1).

Regarding claim 37, FreeZone lacks specifically a Java applet, but FreeZone is an Internet-based service. LinuxGuruz teaches that Java is a web language that is platform independent that uses "applets" (page 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Java applets. One of ordinary skill in the art would have been motivated to perform such a modification to gain the freedom of platform-independence, as taught by LinuxGuruz (page 3).

Regarding claim 38, FreeZone lacks specifically implementing the system in a browser plug-in. However, LinuxGuruz teaches that plug-ins are used to extend the functionality of a parent application, such as a web browser (page 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the method in a browser plug-in. One of ordinary skill in the art would have been motivated to perform such a modification to extend the functionality of the browser, as taught by LinuxGuruz (page 5).

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (703)305-8191.

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The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. - 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703)308-4789.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

Or faxed to:

(703)746-7239 (for formal communications intended for entry)


Or:

(703)746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MJS
September 7, 2004


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100